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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2012-121

13 **KAREN H. RASKIN**
14 **aka KAREN HOPE RASKIN**
15 **aka KAREN WINTROUB RASKIN**
16 **aka KAREN HOPE WINTROUB**
17 **6211 E. Winchcomb Drive**
18 **Scottsdale, AZ 85254**

A C C U S A T I O N

19 **Registered Nurse License No. RN 321817**

20 Respondent.

21 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

22 **PARTIES**

- 23 1. Complainant brings this Accusation solely in her official capacity as the Executive
24 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.
25 2. On or about August 31, 1980, the Board issued Registered Nurse License Number
26 RN 321817 ("license") to Karen H. Raskin, also known as Karen Hope Raskin, Karen Wintroub
27 Raskin, and Karen Hope Wintroub ("Respondent"). The license was in full force and effect at all
28 times relevant to the charges brought herein. The license expired on May 31, 2002, and has not
been renewed.

1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
3 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
4 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
5 Practice Act.

6 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
7 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
8 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
9 may renew an expired license at any time within eight years after the expiration.

10 **STATUTORY PROVISIONS**

11 5. Code section 2761 states, in pertinent part:

12 "The board may take disciplinary action against a certified or licensed nurse or deny an
13 application for a certificate or license for the following:

14 (a) Unprofessional conduct.

15 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
16 against a health care professional license or certificate by another state or territory of the United
17 States, by any other government agency, or by another California health care professional
18 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
19 action."

20 **COST RECOVERY**

21 6. Code section 125.3 provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licensee found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 7. Respondent is subject to discipline under Code section 2761(a)(4), in that on or about
4 September 2, 2010, pursuant to a Consent Agreement and Order issued by the Arizona State
5 Board of Nursing, in a disciplinary proceeding titled, *In the Matter of Registered Nurse License*
6 *No. RN111534 Issued to Karen Raskin*, a decree of censure was entered against Respondent's
7 registered nurse license number RN 111534. The Consent Agreement and Order was based on
8 numerous Findings of Fact, including the following: While employed as a staff nurse at
9 Ridgecrest Healthcare, Respondent took two medication cards of Lopressor and Paxil belonging
10 to two residents for her own personal use. The Consent Agreement and Order is attached hereto
11 as **Exhibit A** and incorporated herein by reference.

12 **PRAYER**

13 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 321817, issued to Karen
16 H. Raskin, also known as Karen Hope Raskin, Karen Wintroub Raskin, and Karen Hope
17 Wintroub;

18 2. Ordering Karen H. Raskin, also known as Karen Hope Raskin, Karen Wintroub
19 Raskin, and Karen Hope Wintroub to pay the Board of Registered Nursing the reasonable costs of
20 the investigation and enforcement of this case, pursuant to Code section 125.3; and,

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: August 18, 2011

23 Louise R. Bailey
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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Exhibit A

Consent Agreement and Order

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED)
NURSE LICENSE NO. RN111534)
ISSUED TO:)

KAREN RASKIN)
RESPONDENT)

DECREE OF CENSURE

**CONSENT AGREEMENT
AND ORDER NO. 0908095**

A complaint charging Karen Raskin, ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F) (5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued registered nurse license no. RN111534.
2. On or about August 28, 2009, the Board received a complaint from Tracy Benter, RN, Director of Nursing (DON), Ridgecrest Healthcare, alleging that on or about August 23, 2009, Respondent was in possession of two medication cards for Lopressor and Paxil belonging to two different residents. Based upon the complaint, the Board conducted an investigation.
3. From in or about September 2008 to August 2009, Respondent was employed as a staff nurse at Ridgecrest Healthcare. Respondent was terminated on August 23, 2009, and is not eligible for rehire.
4. On or about August 23, 2009, during the change of nursing shift, it was noticed by

the oncoming LPN that Respondent had two medication cards in her personal bag. The LPN notified her supervisor Andrea Hooten, LPN. Hooten approached Respondent and asked to see the contents of her bag. Respondent immediately admitted to taking the medications for personal usage.

5. On or about April 23, 2010, Respondent admitted to Board staff the attempted theft of the medication was for personal use and apologized for her actions.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663(D); A.R.S. § 32-1601 (16) (d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); and (h) (Committing an act that deceives, defrauds, or harms the public) (effective May 9, 2002); and A.A.C. R4-19-403 (15) (Removing, without authorization, any money property or personal possessions, or requesting payment for services not performed from a patient, employer, co-worker, or member of the public); (16) (Removing without authorization, a narcotic, drug, controlled substance, supply, equipment, or medical record from any health care facility, school, institution, or other work place location); and (31) (Practicing in any other manner that give the Board reasonable cause to believe the health of a patient or the public may be harmed) (effective February 2, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against the license of Respondent to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this Consent Agreement and Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

Karen Shaplin
Respondent

Dated: 9/2/10

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.
Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: 5/21/10

A Hill/RN111534/Raskin

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to the provision and penalties imposed as follows:

1. Respondents consent to the terms and conditions of this Order and waiver of public hearing are accepted.
2. It is ordered that a DECREE OF CENSURE be entered against license no. RN 111534, held by Respondent.

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.
Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: May 21, 2010

JR/AH

COPY mailed this 24th day of May 2010, by First Class Mail to:

KAREN HOPE RASKIN
6211 E WINCHCOMB DR
SCOTTSDALE, AZ 85254

By: D. Lindsey
Legal Secretary